



07-09-04

PTO/SB/30 (5/2000)
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/941,992
Filing Date	August 28, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1646
Examiner Name	Kemmerer, Elizabeth
Attorney Docket Number	39780-2730P1C1

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1.	Submission required under 37 C.F.R. §1.114.
a.	<input type="checkbox"/> Previously submitted <ul style="list-style-type: none"> i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on <i>(Any unentered amendment(s) referred to above will be entered)</i> ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on iii. <input type="checkbox"/> Other
b.	<input checked="" type="checkbox"/> Enclosed <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> Preliminary Amendment ii. <input checked="" type="checkbox"/> Affidavit(s)/Declaration(s) (Declaration of Paul Polakis, Ph.D.) iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) with cited references iv. <input type="checkbox"/> Other
	07/13/2004 BABRAHAI 00000129 081641 09941992 02 FC:1253 950.00 DA
2.	Miscellaneous
a.	<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
b.	<input type="checkbox"/> Other
3.	Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed. <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-2730P1C1) <ul style="list-style-type: none"> i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e) — (\$770.00) ii. <input checked="" type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) — (\$950.00) iii. <input type="checkbox"/> Other b. <input type="checkbox"/> Check in the amount of \$ enclosed <ul style="list-style-type: none"> 07/13/2004 BABRAHAI 00000129 081641 09941992 01 FC:1801 770.00 DA c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed) <ul style="list-style-type: none"> 07/13/2004 BABRAHAI 00000129 081641 09941992 01 FC:1801 770.00 DA

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Daphne Reddy	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	July 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: July 7, 2004

Name (Print/Type)	Cheryl Rogers	Date: July 7, 2004
Signature	<i>Cheryl Rogers</i>	Express Mail Label: EL993 688 690 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-2730P1C1
Serial No.: 09/941,992 Group Art Unit: 1646
Filing Date: August 28, 2001 Examiner: Kemmerer, Elizabeth
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND
NUCLEIC ACIDS ENCODING THE SAME**

PRELIMINARY AMENDMENT

MS: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on January 21, 2004 in connection with the above-identified patent application, please enter the following amendments, and consider the following arguments. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of time for three months with required fees to maintain co-pendency of this application. Also attached herewith are a Declaration by Paul Polakis, Ph.D., and articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin.

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

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Name (Print/Type)	Cheryl Rogers	Date: July 6, 2004
Signature	<i>Cheryl Rogers</i>	Express Mail Label: EL993 688 686 US